UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on May 25, 2021

UNITED STATES OF AMERICA	:	**CRIMINAL NO.**
	:	
v.	:	**MAGISTRATE NO. 1:21-MJ-488**
	:	
MITCHELL TODD GARDNER II,	:	**VIOLATIONS:**
	:	**18 U.S.C. § 231(a)(3) (Civil Disorder)**
Defendant.	:	**18 U.S.C. §§ 1512(c)(2), 2**
	:	**(Obstruction of an Official Proceeding)**
	:	**18 U.S.C. §§ 111(a)(1) and (b)**
	:	**(Assaulting, Resisting, or Impeding**
	:	**Certain Officers Using a Dangerous**
	:	**Weapon)**
	:	**18 U.S.C. §§ 1361, 2**
	:	**(Destruction of Government Property)**
	:	**18 U.S.C. § 1752(a)(1)**
	:	**(Entering and Remaining in a Restricted**
	:	**Building or Grounds)**
	:	**18 U.S.C. § 1752(a)(2)**
	:	**(Disorderly and Disruptive Conduct in a**
	:	**Restricted Building or Grounds**
	:	**18 U.S.C. § 1752(a)(4)**
	:	**(Engaging in Physical Violence in a**
	:	**Restricted Building or Grounds)**
	:	**40 U.S.C. § 5104(e)(2)(D)**
	:	**(Disorderly Conduct in**
	:	**a Capitol Building)**
	:	**40 U.S.C. § 5104(e)(2)(F)**
	:	**(Act of Physical Violence in the Capitol**
	:	**Grounds or Buildings)**
	:	**40 U.S.C. § 5104(e)(2)(G)**
	:	**(Parading, Demonstrating, or Picketing in**
	:	**a Capitol Building)**

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about January 6, 2021, within the District of Columbia, **MITCHELL TODD GARDNER II**, committed and attempted to commit an act to obstruct, impede, and interfere with a law enforcement officer, that is, an officer from the Metropolitan Police Department, lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way and degree obstructed, delayed, and adversely affected commerce and the movement of any article and commodity in commerce and the conduct and performance of any federally protected function.

(**Civil Disorder**, in violation of Title 18, United States Code, Section 231(a)(3))

COUNT TWO

On or about January 6, 2021, within the District of Columbia and elsewhere, **MITCHELL TODD GARDNER II**, attempted to, and did, corruptly obstruct, influence, and impede an official proceeding, that is, a proceeding before Congress, specifically, Congress's certification of the Electoral College vote as set out in the Twelfth Amendment of the Constitution of the United States and 3 U.S.C. §§ 15-18.

(**Obstruction of an Official Proceeding and Aiding and Abetting**, in violation of Title 18, United States Code, Sections 1512(c)(2) and 2)

COUNT THREE

On or about January 6, 2021, within the District of Columbia, **MITCHELL TODD GARDNER II**, using a deadly and dangerous weapon, that is, a lachrymal agent, did forcibly assault, resist, oppose, impede, intimidate, and interfere with, an officer and employee of the United States, and of any branch of the United States Government (including any member of the

uniformed services), an officer from the Metropolitan Police Department, while such officer or employee was engaged in or on account of the performance of official duties, and where the acts in violation of this section involve physical contact with the victim and the intent to commit another felony.

(**Assaulting, Resisting, or Impeding Certain Officers Using a Dangerous Weapon**, in violation of Title 18, United States Code, Sections 111(a)(1) and (b))

COUNT FOUR

On or about January 6, 2021, within the District of Columbia, **MITCHELL TODD GARDNER II**, did willfully injure and commit depredation, and did aid and abet others known and unknown to do so, against property of the United States, and of any department and agency thereof, and any property which has been and is being manufactured and constructed for the United States, and any department or agency thereof, that is, a window at the United States Capitol located outside Senate Terrace Room 2 Mezzanine, causing damage in an amount more than $1000.

(**Destruction of Government Property and Aiding and Abetting**, in violation of Title 18, United States Codes, Sections 1361 and 2)

COUNT FIVE

On or about January 6, 2021, in the District of Columbia, **MITCHELL TODD GARDNER II**, did knowingly enter and remain in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, without lawful authority to do so.

(**Entering and Remaining in a Restricted Building or Grounds**, in violation of Title 18, United States Code, Section 1752(a)(1))

COUNT SIX

On or about January 6, 2021, in the District of Columbia, **MITCHELL TODD GARDNER II**, did knowingly, and with intent to impede and disrupt the orderly conduct of Government business and official functions, engage in disorderly and disruptive conduct in and within such proximity to, a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting, when and so that such conduct did in fact impede and disrupt the orderly conduct of Government business and official functions.

(**Disorderly and Disruptive Conduct in a Restricted Building or Grounds**, in violation of Title 18, United States Code, Section 1752(a)(2))

COUNT SEVEN

On or about January 6, 2021, within the District of Columbia, **MITCHELL TODD GARDNER II** did knowingly, engage in any act of physical violence against any person and property in a restricted building and grounds, that is, any posted, cordoned-off, and otherwise restricted area within the United States Capitol and its grounds, where the Vice President and Vice President-elect were temporarily visiting.

(**Engaging in Physical Violence in a Restricted Building or Grounds**, in violation of Title 18, United States Code, Section 1752(a)(4))

COUNT EIGHT

On or about January 6, 2021, in the District of Columbia, **MITCHELL TODD GARDNER II**, willfully and knowingly engaged in disorderly and disruptive conduct within the United States Capitol Grounds and in any of the Capitol Buildings with the intent to impede, disrupt, and disturb the orderly conduct of a session of Congress and either House of Congress,

and the orderly conduct in that building of a hearing before or any deliberation of, a committee of Congress or either House of Congress.

(**Disorderly Conduct in a Capitol Building**, in violation of Title 40, United States Code, Section 5104(e)(2)(D))

COUNT NINE

On or about January 6, 2021, within the District of Columbia, **MITCHELL TODD GARDNER II** willfully and knowingly engaged in an act of physical violence within the United States Capitol Grounds and any of the Capitol Buildings.

(**Act of Physical Violence in the Capitol Grounds or Buildings**, in violation of Title 40, United States Code, Section 5104(e)(2)(F))

COUNT TEN

On or about January 6, 2021, in the District of Columbia, **MITCHELL TODD GARDNER II**, willfully and knowingly paraded, demonstrated, and picketed in any United States Capitol Building.

(**Parading, Demonstrating, or Picketing in a Capitol Building**, in violation of Title 40, United States Code, Section 5104(e)(2)(G))

A TRUE BILL:

FOREPERSON.

Attorney of the United States in
and for the District of Columbia.